

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

GEORGE CEBALLOS,)
)
Plaintiff,)
)
v.) Case No. 10-CV-659-GKF-PJC
)
FAMILY & CHILDREN'S SERVICES, TRACY)
LOPER, AND SARA LAND,)
)
Defendant.)

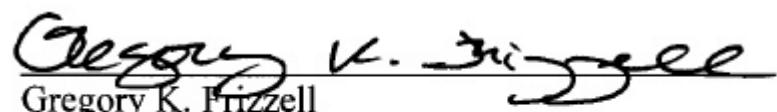
OPINION AND ORDER

The court raises the issue of subject matter jurisdiction *sua sponte*. Fed.R.Civ.P. 12(h)(3).

Ceballos alleges in his Amended Complaint (Dkt. #8) that jurisdiction is asserted pursuant to “Tulsa Co. Northern District.” Because Ceballos moves *pro se*, the Court construes his pleadings liberally. *See United States v. Warner*, 23 F.3d 287, 290 (10th Cir. 1994). Nonetheless, the court can find no basis for exercising subject matter jurisdiction over this suit. The plaintiff asserts as his only cause of action: “institutionalize by means of entrapment.” Construed liberally, this allegation does not invoke any federal law. Furthermore, diversity jurisdiction in this case would be improper. As the court noted in its previous dismissal of this case, defendants Loper and Land are residents of Oklahoma, and Family & Children’s Services is an Oklahoma not-for-profit corporation located in Tulsa, Oklahoma. (See Dkt. #7). Because all parties are residents of Oklahoma, diversity jurisdiction would be improper. The plaintiff has pled no new facts or theories upon which this court could exercise jurisdiction over this controversy.

For the reasons set forth above, the court dismisses this case for lack of subject matter jurisdiction.

IT IS SO ORDERED this 9th day of March, 2011.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma